



RECEIVED

JUN 17 2004

## OFFICE OF PETITIONS

6-9-821

1

~~SDAC~~

PATENT

Express Mail No. EV268509168US  
Client/Matter No. 46473.830009.US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Johnson

Serial No. 09/874,026

Filed: June 6, 2001

For: **ADJUSTABLE TELESCOPE  
TRACKING PLATFORM**

Group Art Unit: 2872

Examiner: \_\_\_\_\_

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b), 37 CFR 1.155(c),  
OR 37 CFR 1.316(c)**

Mail Stop: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file corrected application papers. The PTO mailed a Notice to File Corrected Application Papers on August 6, 2001. The final deadline to file the corrected applications papers was February 6, 2002. A Notice of Abandonment was issued on February 9, 2004.

Applicant hereby petitions for revival of this application.

Also enclosed herewith is payment of the petition to revive fee in the amount of \$640.00, required to be paid under 37 C.F.R. 1.17(m) for a small entity. While no other petitions or fees are believed to be necessary, if any such fees are required, the commissioner is authorized to charge Deposit Account No. 08-2623.

### Verified Statement

The delay in responding to the notice to file corrected application papers that caused the abandonment of the application was unintentional. In particular, the applicant moved shortly after filing the above referenced application. All notices mailed from the patent office have been mailed to the previous address of the applicant, and the applicant did not receive either the notice to file corrected application papers (originally mailed on August 8, 2001) or

06/15/2004 CRGUYEN 000000043 082623 09874026  
01 FC:2453 25.00 00 640.00 00

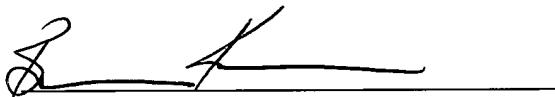
the notice of abandonment (originally mailed on February 9, 2004) until recently hired counsel inspected the file in May of 2004. Immediately upon indication of the abandoned status of the application, applicant instructed counsel to prepare corrected application papers and request revival of the unintentionally abandoned application.

Based on the foregoing, the applicant respectfully requests the revival and reinstatement of the unintentionally abandoned application. The applicant further has submitted a substitute specification addressing the errors associated with the original submission. No new matter has been added by this submission.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

Dated: June 7, 2004



Brian Kinnear, Reg. No. 43,717  
Holland & Hart LLP  
555 17th Street, Suite 2900  
Post Office Box 8749  
Denver, Colorado 80201  
Phone: 303-295-8170  
Facsimile: 303-295-8261

3239375\_1.DOC